

## **Appendix R**

**February 1, 2006,  
Environmental Defense Letter**



**ENVIRONMENTAL DEFENSE**

finding the ways that work

February 1, 2006

Bob Johnson, Regional Director  
Bureau of Reclamation  
Lower Colorado Region  
Attention: BCOO-1000  
PO Box 61470  
Boulder City, Nevada 89006-1470

via facsimile: (702) 293-8156

**Re: Development of Management Strategies for Lake Powell and Lake Mead under Low Reservoir Conditions**

Dear Mr. Johnson:

Environmental Defense has already submitted comments (along with several other organizations) regarding the development of Lower Colorado River Basin shortage guidelines, and this letter supplements our previous comments. Specifically, we are concerned that the Bureau of Reclamation is considering the initiation of multiple, independent NEPA analyses on numerous proposals for Colorado River management and mechanisms to develop "intentionally created surplus," including Development of Management Strategies for Lake Powell and Lake Mead Under Low Reservoir Conditions as well as Bypass Flow replacement, operation of the Yuma Desalting Plant, new regulatory storage facilities, forbearance agreements, and more, rather than evaluating these proposals collectively.

The language of the National Environmental Policy Act is clear. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement (40 CFR 1502.4). To determine the scope of environmental impact statements, agencies shall consider... Actions (other than unconnected single actions) which may be:

- (1) Connected actions, which means that they are closely related and therefore should be discussed in the same Impact statement. Actions are connected if they:

- (i) Automatically trigger other actions which may require environmental impact Statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.
- (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.
- (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement. (40 CFR 1508.25)

In order to assess fully impacts of the numerous and varied approaches to managing the Colorado River system in times of limited water supply, analysis under NEPA needs to compare the impacts of all available options, including coordinated reservoir management, shortage trigger elevations, and any actions taken to generate intentionally created surplus. Not only will the different mechanisms for intentionally created surplus water have very different costs and environmental impacts (and thus must be compared against each other and not in independent environmental impact analyses), but they can be expected to result in "savings" of different volumes of water. The volume of intentionally created surplus water will bear on the probabilities that water in reservoir storage will be within defined "bands" or shortage trigger elevations.

We recognize that management of the Colorado River system is complex, perhaps never more so than in times of water shortage. However, the stakes in the development of management strategies for Lake Powell and Lake Mead under low reservoir conditions are high, not only for water users, but also for the environment. We encourage you to ensure that analysis of alternatives under the NEPA is complete.

Sincerely,



Jennifer Pitt